



Atlantic States Marine Fisheries Commission

NEWS RELEASE

FOR IMMEDIATE RELEASE
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ASMFC Finds New York Out-of-Compliance with Lobster Addendum I, Pending July 1, 2002 Deadline for State Implementation

Washington, DC – The Atlantic States Marine Fisheries Commission acted today to find the State of New York out-of-compliance with the required circular escape vent size established by Addendum I to Amendment 3 to the American Lobster Fishery Management Plan (FMP), if the state fails to take action by July 1, 2002.

Addendum I, which was approved in August 1999, incorporates Lobster Conservation Management Team recommendations to control effort and increase egg production. Specifically, Addendum I establishes a trap tag program, encourages increased data collection, and establishes a circular escape vent size comparable to the rectangular escape vent required by Amendment 3. A circular escape vent size of 2-7/16" was required for state implementation by September 1, 1999. To date, New York has failed to implement this circular escape vent size.

In its report to the American Lobster Management Board on May 20, 2002, the State of New York indicated its intention to come back into compliance through the implementation of the required circular escape vent provisions of Addendum I. New York indicated it will address this issue through state rulemaking in the near future.

Given this information, the Commission decided to move forward with the finding of non-compliance in the event that New York fails to implement and enforce the required circular escape vent size of 2-7/16" in New York state waters by July 1, 2002.

Under the Commission's ISFMP Charter, the Commission must notify the State, Secretary of Commerce and the Secretary of the Interior of the Commission's determination. Upon receipt of the recommendation, the Secretary of Commerce has 30 days to review the recommendation and take final action. If New York should remain out-of-compliance with Addendum I then ultimately the Secretary of Commerce may place a moratorium on fishing for lobster in New York (pursuant to 16 U.S.C. 5106). These actions are the result of the Atlantic Coastal Fisheries Cooperative Management Act, which mandates a cooperative state/federal program to conserve and manage valuable coastal fisheries. It requires the Commission to prepare and adopt FMPs. It also imposes an obligation on each state covered by a FMP to implement and enforce the FMP's regulations in state waters, or else face the possibility of a federal moratorium on fishing for the affected species in that state.

For more information, please contact Heather Stirratt, Fisheries Management Plan Coordinator, at (202) 289-6400, ext. 301.

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The Atlantic States Marine Fisheries Commission (Commission) was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species.

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